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Esther Gyory, Esq.
Acting Assistant General Counsel
Federal Election Commission
1050 First Street NE
Washington, DC 20463

Re: REG 2019-01 (Amending the Definition of Contribution to Include
"Valuable Information")

Dear Ms. Gyory,

Campaign Legal Center (CLC) respectfully urges the Commission to decline to open a rulemaking in REG 2019-01.

The Federal Election Campaign Act defines a "contribution" as "anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8)(A). As Special Counsel Robert Mueller's report recently noted, this definition, as implemented by the Commission and federal courts nationwide, includes intangible things of value. *See* Special Counsel Robert S. Mueller, III, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, at 186-87 (Mar. 2019) (collecting judicial and administrative examples). Therefore, "valuable information" — which is, by definition, "of value" — is already covered the existing definition of "contribution."¹

¹ Indeed, even the petition seeking this rulemaking acknowledges that it is unnecessary. *See* Petition for Rulemaking to Add 11 C.F.R. § 100.57, at 2 ("To be absolutely clear, we believe that the information covered in this amendment is already a "contribution" within the meaning of the Act, whether or not it is adopted.").

Because the petition's proposed regulatory definition is redundant — and the remainder of the regulations sought by the petition are frivolous — the Commission should reject the petition in its entirety.

Respectfully submitted,

/s/ Adav Noti

Adav Noti

Erin Chlopak

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